

FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Sharon A. Gunsolus, Treasurer  
Kuhl for Congress  
10 Ganesvoort Street  
Suite 101  
Bath, NY 14810

AUG 7 2009

Re: AR 09-06

Dear Ms. Gunsolus:

The Federal Election Commission ("Commission"), the regulatory agency that administers and enforces the Federal Election Campaign Act of 1971, as amended ("the Act"), has ascertained information in the normal course of carrying out its supervisory responsibilities indicating that Kuhl for Congress and you, in your official capacity as treasurer, ("Committee") may have violated the Act. Following an audit conducted by the Commission pursuant to 2 U.S.C. § 438(b), one finding contained in the Final Audit Report (Finding 2) has been referred to the Commission's Office of General Counsel for possible enforcement action under 2 U.S.C. § 437g. Notification of this referral is being provided to you pursuant to the Commission's Agency Procedure for Notice to Respondents in Non-Complaint Generated Matters, as published in the Federal Register on August 4, 2009 (74 FR 38617).

The Committee has been referred for its apparent receipt of \$22,974 in prohibited in-kind contributions from Friends for Kuhl in 2003 and 2004, in violation of 2 U.S.C. § 441i(e)(A), which prohibits a federal candidate, a candidate's agent, and entities established, financed, maintained or controlled by, or acting on behalf of, a candidate from soliciting, receiving, directing, transferring or spending funds in connection with a federal election unless the funds are subject to the limitations, prohibitions and reporting requirements of the Act, and 11 C.F.R. § 110.3(d), which prohibits transfers of funds or assets from a candidate's campaign committee or account for a nonfederal election to his or her principal campaign committee or other authorized committee for a federal election. For further information, a copy of the referral is enclosed.

The Commission's Office of the General Counsel is reviewing this information in connection with making a recommendation to the Commission as to whether there is reason to believe that the Committee and you, in your official capacity as treasurer, violated the Act, an initial determination necessary to initiate an investigation into whether a violation has, in fact, occurred. See 2 U.S.C. § 437g(a)(2). Before the General Counsel makes such a recommendation, you may provide in writing any factual or legal materials that you believe are


10044261159

relevant to this matter, including any related documents. Your submission, if you choose to make one, must be submitted within 15 days of receipt of this letter and addressed to the General Counsel's Office. Subsequently, the General Counsel's Office will present its recommendations to the Commission. Any response submitted by you will be taken into account in these recommendations. The Commission will then consider the recommendations and, if the Commission finds that there is reason to believe the Committee and you, in your official capacity as treasurer, violated the Act, initiate an enforcement matter regarding the receipt of prohibited in-kind contributions.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by legal counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact me at (202) 694-1650 or toll free at (800) 424-9530.

Sincerely,



Roy Q. Luckett  
Attorney

Enclosure  
Referral  
Designation of Counsel Form

10044261160